

REMARKS

The Official Action dated December 15, 2004 has been received and its contents carefully noted. In view thereof, claims 1-11 have been canceled in their entirety without prejudice or disclaimer of the subject matter set forth therein in favor of new claims 12-21 in order to better define that which Applicants regard as the invention. Accordingly, claims 12-21 are presently pending in the instant application.

With reference now to the Official Action and particularly page 2 thereof, claims 1-11 have been rejected under the judicially doctrine of obviousness type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,509,638 stating that although the conflicting claims are not identical, they are not patentability distinct from each other because the claims in the instant invention contain features recited in said patent are broader in some areas and more specific in other areas but reciting essentially the same invention. The Examiner goes on to state "as the method claim 1 appears to recite no method steps its features are also deemed to be expressed by the patented claims. Further, resin or underfill is typically provided between the chips and wiring boards to, for example, provides a buffer, adherence of protective layering." This rejection is respectfully traversed in that Applicants' claimed invention as now set forth in claims 12-21 is particularly directed to the embodiment of the present application as illustrated in Fig. 5.


Initially, it is noted that during the prosecution of Application Serial No. 09/946,363, now U.S. Patent No. 6,509,638, the Examiner on April 1, 2002 set forth an election requirement in the parent application between the species of Figs. 1A-3, Fig. 4 and Fig. 5. Therein, Applicants elected the species of Figs. 1A-3 for prosecution on the merits in such application. Subsequently, divisional application serial no. 10/320,379 was filed on December 17, 2002 of which the present application is a further continuation. Accordingly,

in that claims 12-21 now recite a semiconductor device which is directed to the embodiment of Fig. 5 set forth in, not only the present application but that of the parent application, which led to the issuance of the '638 patent. Accordingly, it is respectfully submitted that Applicants' claimed invention not only distinguishes from the claims of the '638 patent but are directed to species III of the previous election requirement and consequently, the non-statutory double patenting rejection based on the judicially created doctrine of obviousness-type double patenting is not proper and it is respectfully requested that the rejection of claims 1-11 under such judicially created doctrine be reconsidered and withdrawn by the Examiner.

Therefore, in view of the forgoing it is respectfully requested that the rejection of record be reconsidered and withdrawn by the Examiner, that claims 12-21 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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